

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LAURA ALLEN, INDIVIDUALLY AND AS)
ADMINISTRATRIX OF THE ESTATE OF)
DAN ALLEN, AND AS NEXT FRIEND)
TAYLOR ALLEN AND DANIELLE ALLEN;)
AND MARK ALLEN)
Plaintiffs,)

CIVIL ACTION
NO. 05-40048-FDS

v.)

MARTIN SURFACING, A Division of)
SOUTHWEST RECREATIONAL)
INDUSTRIES, INC; SOUTHWEST)
RECREATIONAL INDUSTRIES, INC .,)
d/b/a MARTIN SURFACING;)
Defendants.)

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE BRIEF IN EXCESS OF 20 PAGES**

Pursuant to Rule 7.1, the plaintiffs move this Court for leave to file their *Daubert* opposition brief in excess of 20 pages, for the following reasons:

1. Counsel for the defendant has filed three separate *Daubert*/summary judgment motions to strike each of plaintiff's causation experts: Marcia Ratner, Christine Oliver and William Ewing¹.
2. Each motion, however, makes the same essential assertions.

¹ As a practical matter, plaintiffs treat these motions solely as *Daubert* motions; that is, summary judgment would not be ripe unless the *Daubert* motions were allowed in full.

3. Because each defense motion makes the same general assertions as to each expert, the plaintiffs have prepared a single “omnibus” opposition, for the convenience of the Court.
4. If plaintiffs were to file a separate opposition to each of the three motions, plaintiffs would be entitled to as many as 60 pages. However, the plaintiffs’ omnibus opposition is limited to 31 pages.
5. The defendant assents to this motion.

Respectfully Submitted,
Plaintiffs
By their Attorneys

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Dated: December 3, 2007

Certificate of Service

I hereby certify that a copy of the foregoing was served this day via ECF to the following counsel:

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/s/ James D. Gotz
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